

# Exhibit A

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MARIANNA ZHAO *on behalf of herself, FLSA Collective Plaintiffs, and the Class,*

Plaintiff,

v.

SURGE PRIVATE EQUITY LLC,  
d/b/a SURGE PRIVATE EQUITY  
HIPPODROME SERVICES CORP.  
d/b/a HIPPODROME SERVICES  
HIPPODROME LLC,  
d/b/a HIPPODROME SERVICES LLC  
and DOUGLAS KOPELMAN,

Defendants.

**Case No.: 1:22-cv-07314**

**NOTICE OF PENDENCY OF  
LAWSUIT REGARDING WAGES**

**Please read this notice if you are a former or current non-exempt employee (such as dry cleaners, pressers, packers, laundry workers, linen section workers, and ironing workers, among others) employed by SURGE PRIVATE EQUITY LLC, d/b/a SURGE PRIVATE EQUITY, HIPPODROME SERVICES CORP. d/b/a HIPPODROME SERVICES, HIPPODROME LLC, d/b/a HIPPODROME SERVICES LLC and DOUGLAS KOPELMAN at any time between August 26, 2016, and the present.**

Former employee Marianna Zhao (“Plaintiff”) has sued Surge Private Equity LLC, d/b/a Surge Private Equity, Hippodrome Services Corp. d/b/a Hippodrome Services, Hippodrome LLC, d/b/a Hippodrome Services LLC, and Douglas Kopelman (collectively, “Defendants”), seeking (1) unpaid wages, including unpaid overtime, due to time shaving, (2) unpaid wages, including overtime, due to illegal rounding, (3) statutory penalties, (4) liquidated damages, and (5) attorneys’ fees and costs.

The lawsuit’s federal collective Fair Labor Standards Act (“FLSA”) claims seek unpaid wages, including overtime, due to time-shaving, illegal rounding, liquidated damages, and attorneys’ fees and costs. The purpose of this Notice is to advise you of your right to participate in this lawsuit under the FLSA. This Notice applies only to the FLSA collective action claims, not to the class action claim brought under the NYLL.

Defendants deny that Plaintiff’s claims have merit. The Court has not decided the merits of any claims or any defenses asserted by any party to this lawsuit or whether any party is right or wrong.

**YOUR LEGAL RIGHTS**

If you worked for Defendants as an employee at any time between August 26, 2016 and the present and believe that you may be able to assert any of the claims described above, you have the right to participate in this lawsuit. It is your right to join or not to join this lawsuit. If you decide to join this

lawsuit, it is illegal for Defendants to retaliate, discharge, take any adverse action, or discriminate against you in any way for participating in this lawsuit.

If you participate in this lawsuit's FLSA claims, you will be required to provide information and answer questions, and you may be required to testify at a deposition and in court and to produce documents. You will also be bound by the outcome of this lawsuit's FLSA claims, whether it is favorable or unfavorable to the plaintiff.

To join this lawsuit, you must sign a "Consent to Sue" form, which is enclosed with this Notice, and send it on or before **[90 days from the date notice is sent out]**:

C. K. Lee, Esq.  
Lee Litigation Group, PLLC  
148 West 24th Street, 8th Floor  
New York, NY 10011  
Tel: (212) 465-1180  
Fax: (212) 465-1181  
Email: cklee@leelitigation.com

If you do not join this lawsuit, and instead intend to bring your own lawsuit, you should be aware that the lawsuit must be brought within a specific period of time. Generally, the statute of limitations under the FLSA is two or three years from the date of the violation, and the statute of limitations under the NYLL is six years from the date of the violation.

### **THE LAWYERS REPRESENTING PLAINTIFF**

If you join this lawsuit and agree to be represented by Plaintiff through his attorneys, you will be represented by Lee Litigation Group, PLLC. The firm is handling the lawsuit on a "contingency fee" basis, which means that you do not have to pay any attorneys' fees or expenses for this lawsuit. If the plaintiff win a favorable judgment, Lee Litigation Group, PLLC may ask the Court to award it up to one-third of the monetary recovery. You are not required to have Lee Litigation Group, PLLC represent you. If you want your own attorney to represent you in this lawsuit, however, you will be responsible for paying that attorneys' fees and expenses.

### **GETTING MORE INFORMATION**

You can obtain more information about this lawsuit by contacting C.K. Lee, Esq.:

C. K. Lee, Esq.  
Lee Litigation Group, PLLC  
148 West 24th Street, 8th Floor  
New York, NY 10011  
Tel: (212) 465-1180  
Fax: (212) 465-1181  
Email: cklee@leelitigation.com

**Do not call or write the Court or the Clerk's Office with questions.**

Dated: New York, New York, \_\_\_\_\_, 2023.

**"CONSENT TO SUE" FORM**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MARIANNA ZHAO *on behalf of herself, FLSA Collective Plaintiffs, and the Class,*

Plaintiff,

v.

SURGE PRIVATE EQUITY LLC,  
d/b/a SURGE PRIVATE EQUITY  
HIPPODROME SERVICES CORP.  
d/b/a HIPPODROME SERVICES  
HIPPODROME LLC,  
d/b/a HIPPODROME SERVICES LLC  
and DOUGLAS KOPELMAN,

Case No.: 1:22-cv-07314

Defendants

If you are or were employed as a former or current non-exempt employee (such as a dry cleaner, presser, packer, laundry worker, linen section worker, and ironing worker, among others) by Defendants at any time between August 26, 2016, and the present, complete and mail this "Consent to Sue" Form by [90 days from the date of notice] to:

C. K. Lee, Esq.  
Lee Litigation Group, PLLC  
148 West 24th Street, 8th Floor  
New York, NY 10011  
Tel: (212) 465-1180  
Fax: (212) 465-1181

I hereby consent to join this lawsuit as a party plaintiff. By signing and returning this consent form, I hereby designate Lee Litigation Group, PLLC to represent me and make decisions on my behalf concerning the litigation and any settlement.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_